

REMARKS

Claims 1-42 are cancelled and new claims 43-79 are added in this reissue application. Claims 1-42 are rejected as being based on a defective reissue oath/declaration previously filed with this application. The Examiner states that the oath/declaration is defective because it fails to identify at least one error which was relied on to support the reissue application as required under 37 CFR 1.175 (a)(1) and MPEP 1414.

Applicant hereby submits a corrected Reissue Application Declaration by the Inventor and Reissue Application Declaration by the Assignee, both attached herein. In these newly submitted Declarations, Applicant changed the designation of why it is believed that the original patent to be wholly or partly inoperative or invalid from

“by reason of other errors.”

to the following designation:

“by reason of the patentee claiming more than he had the right to claim in the patent.”

Applicant also amended the description of the error in the Declarations. The error is now described as:

*“Claim 1 of the original patent US 5,919,556 does not include the limitation that both the first and second plies of the tissue paper product are through air dried paper webs. This specific embodiment is now included in claim 43 (and claims 44 to 57 that depend therefrom). Claim 1 of the original patent also does not include the limitation that the first ply of the tissue paper product is a conventional ply and that the second ply has a texture value of greater than or equal to 4.0 mils. These specific embodiments are now included in claim 58 (and claims 59 to 71 that depend therefrom). Claim 1 of the original also does not include the limitation that the second ply has a texture value which is at least about 2.0 times the texture value of the first ply. These specific embodiments are now included in claim 72 (and claims 73 to 79 that depend therefrom).”*

The basis and support for Claim 43 and the claims that depend therefrom, is found, at least, from column 7, line 3 through column 8, line 59 of the patent specification. The support for claim 58 and the claims that depend therefrom is found at least at Column 8, line 60 and at Column 8, Line 60 and Column 8, Line 43. The basis

and support for Claim 72 and the claims that depend therefrom, is found, at least, in columns 2, 9 and in the Examples.

In addition Applicant has submitted the amendments with the proper markings in compliance with MPEP 1453 and 37 CFR 1.173 (d). Applicant has added underlines for the matter that was added by amendment. Therefore, the new Claims 43 - 79 have been underlined.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Conclusion

The Applicant respectfully requests entry of the amendments and corrected oath/declaration presented and allowance of all claims pending in the above-identified reissue application.

Respectfully submitted,

**FOR: STEVEN LEE BARNHOLTZ**

By Betty J. Zea  
Betty J. Zea  
Attorney for Applicant  
Registration No. 36,069  
(513) 983-5737

August 8, 2008  
Customer No. 27752